

JOINT MEETING
LAKES MANAGEMENT ADVISORY COMMITTEE
 NH Lakes Management and Protection Program
AND
RIVERS MANAGEMENT ADVISORY COMMITTEE
 NH Rivers Management and Protection Program
 New Hampshire Department of Environmental Services
 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
 phone: 603-271-2959 fax: 603-271-7894

MEETING MINUTES
January 9, 2009
DES Conference Rooms
10:30 a.m. - 2:00 p.m.

LMAC:

Members present:

Phil O'Brien, Chair
 Wendell Berry, Vice Chair
 Jennifer Czysz
 Jim Haney, Ph.D.
 Mark Gallagher
 Diane Hanley
 Mitchell E. Kalter
 Fred Murphy
 Dennis Pavlicek
 Michael Racine
 Larry Sunderland

Representing:

NH Lakes Association
 NH Business and Industry Assn
 Office of Energy & Planning
 Scientific Community, UNH
 Commissioner, DOS
 NH Assoc. Conservation Commissions
 NH Fish & Game Commission
 Planning Board
 Elected Municipal Official
 Fish & Game Dept.
 Conservation Community

Term:

August 1, 2009
 July 8, 2010
 Indefinite
 August 22, 2010
 Indefinite
 August 22, 2010
 August 22, 2009
 August 1, 2011
 August 1, 2009
 Indefinite
 September 19, 2010

Members not present:

Sheri Colby
 Mark Hemmerlein
 Ken P. Wilson
 Bo Quackenbos
 Vacant
 Vacant

Commissioner, DRED
 Commissioner, DOT
 NH Marine Dealers Association
 NH Assoc. of Realtors
 Tourism Industry
 State Conservation Committee

Indefinite
 Indefinite
 August 22, 2011
 June 27, 2011

RMAC:

Members Present

Ken Kimball, Chair
 Michele L. Tremblay, Vice Chair
 Alan Bartlett
 Bob Beaurivage
 Jennifer Czysz
 Anne Krantz
 John Magee
 Walter Morse
 Kath Nelson
 Kevin Nyhan
 Frederick McNeill

Representing

Recreational Interests
 Conservation Interests
 Agricultural Interests
 Public Water Suppliers
 NH Office of Energy and Planning
 Historical & Archaeological Interests
 Fish & Game Department
 NH Fish & Game Commission
 Local Advisory Committees
 NH Dept. of Transportation
 Municipal Government

Term

Dec. 28, 2011 V
 Dec. 28, 2008 V
 March 22, 2010 V
 Sept. 28, 2010 V
 Indefinite NV
 June 15, 2010 V
 Indefinite NV
 Sept. 28, 2009 V
 Sept. 5, 2010 V
 Indefinite
 Nov. 16, 2011 V

Members Absent

William Heinz
 Gail McWilliam Jellie
 Allan Palmer
 Johanna Lyons

Granite State Hydropower
 Dept. of Agriculture, Markets and Food
 Business and Industry Association
 Dept. Resources & Economic Development

Jan. 5, 2009 V
 Indefinite NV
 Sept. 28, 2010 V
 Indefinite NV

Staff Present

Thomas Burack
 Rene Pelletier
 Vince Perelli
 Darlene Forst
 Jacquie Colburn
 Steve Couture

Commissioner, DES
 Administrator, DES Environmental Programs
 Strategic Planning & Quality Assurance, DES
 Supervisor, Shoreland Protection Program
 Lakes Coordinator, WMB
 Rivers Coordinator, WMB

Laura Weit
Jenn Rowden
Sonya Carlson
Carolyn Guerdet

Principal Planner, WMB
Asst. Planner, WMB
Limnology, WMB
Admin. Asst., Water Division

Guests

Jim Ryan

NH Fish & Game

The Meeting Was Called to Order

Ken Kimball, RMAC Chair, called the joint meeting to order at 10:30 am.

I. Introductions

Members of the RMAC, LMAC, and staff that were present introduced themselves and who they represented.

II. DES Strategic Plan Presentation

Commissioner Thomas Burack gave an overview of the work that the Department has done on strategic planning over the past year. He reviewed how the department sees the LMAC/RMAC Sustainability Initiative working into the Strategic Plan. The Commissioner gave a PowerPoint presentation regarding the department's Strategic Planning process, which is attached as Exhibit A. The commissioner then opened it up for questions. He asked that any other thoughts be shared with the department.

III. Sustainability Initiative (S.I.) Review

Jenn Rowden reviewed what has been accomplished since the RMAC and LMAC approved the Sustainability Initiative in January 2008. The issues that have been and continue to be addressed are:

- 1) Lack of Data and Improve Data Access and Management
- 2) Lack of Coordinated Approach to Manage Watersheds
- 3) Control of Exotic Aquatic Plants
- 4) Consumptive Use of Surface and Groundwater

While not one of the original issues to be addressed, Carrying Capacity has recently been added to the list. Jenn then reviewed the recommendations and actions that have been implemented over the last several months as well as other recommendations that are currently being considered.

The group broke at 12:15 pm for lunch. At 12:35 pm the meeting reconvened.

IV. Strategic Plan/S.I. – Discussion/Strategizing Session

The goal was to gather the thoughts of the members pertaining to reporting of environmental results, their transparency, how they are reported and how they are collectively used to make decisions about managing the state's natural resources, both short term and long term.

Discussed were:

Data Availability – the need to know what data we have, what we are doing with it, and what data should we have and what should be done with it. Also, what would be a better way to make it available to the public for their use and understanding?

Joint Set of Indicators – environmental/performance indicators are being worked on. Is there a cause for action and what would the action be? DES is particularly interested in how to best communicate to the general public about what is happening to New Hampshire's environment. The group was asked to think about the basic data needed in order to guide the general public in understanding where things stand today. A brainstorming session was then held to develop questions on what are the basic data pieces that the general public should have.

Jenn then reviewed the document outlining proposed actions between LMAC/RMAC and DES.

It was suggested that a subcommittee/working group be formed to provide feedback to the DES Strategic Plan and focus for the Sustainability Initiative.

DES uses all available data collected with quality assurance and quality control procedures to make water quality assessments. This includes data collected by DES, volunteer monitoring groups (such as the DES Volunteer Lakes Assessment Program and the Volunteer Rivers Assessment Program), Environmental Protection Agency (EPA), U.S. Geological Survey and many more. DES reports to EPA every two years on the status of the state's water quality in the *305(b)/303(d) Surface Water Quality Report*; the last report was issued in 2008. Due to the lack of data on many of the state's water bodies, New Hampshire currently uses a probabilistic assessment to determine the overall water quality on the state's water bodies. This means that the state cannot report on the water quality for all water bodies, and often water bodies have limited, if any, data for particular water quality parameters.

Water quality information is made available through DES to the public through a variety of outlets and in various forms. Raw data is available for public use through the DES' OneStop website data retrieval portal. OneStop was originally intended for more technical users such as environmental consultants, researchers and natural resource managers. DES also produces a variety of water quality reports that include lake trophic surveys, reports to volunteer water monitoring groups, general state overviews and maps, and project specific reports, such as Diagnostic Feasibility Studies, which typically take 12-18 months of research to produce. In late 2008, Watershed Report Cards, derived from the *305(b)/303(d) Surface Water Quality Report*, were developed and are the most comprehensive, state-wide water body specific water quality reports produced by DES. These reports are available by town and water body, and they provide a map, status of the water quality and any impairment to that water body (if known). Outreach is a primary goal for most of the water related programs at DES; however, the reporting of water quality information is largely uncoordinated and often not presented in a useable or understandable format to the public.

The LMAC/RMAC have identified the lack of adequate water quality data and inadequate data access as a major issue in protecting the state's water bodies in their 2008 *Sustainability of New Hampshire's Surface Waters* report.

Outlined below is a summary of the key discussion points from the LMAC/RMAC members, LMPP/RMPP staff and Commissioner Burack regarding obstacles to data collection and reporting; data and indicator considerations; and general concerns to better address the state's water quality data needs; and data and information needs of the public. The general consensus was a need to do a better job of tracking water quality data and water quality related data trends and presenting this information, as indicators, in real-time to the public in laymen terms.

Obstacles:

- DES does not/cannot collect water quality information on all water bodies at this point due to staff/funding limits.
- Outside data often cannot be used for DES reporting purposes or DES does not receive it.
- How data/indicators are reported must be done carefully. For example, labeling a lake as "bad" may have implications with tourist, real estate values, etc.

Data and Indicators:

- DES Environmental Monitoring Database (EMD) provides data, and may be sufficient for consultants, researchers, etc.; that is who the EMD was designed for.
- It is important to articulate the target/desired water quality goal and deviation from that (good, bad, really bad).
- Showing target thresholds of indicators is important.
- Are the targets from the Federal Clean Water Act and NH water quality standards enough, or do we need to expand on them?
- Trends are as important as the water quality/quantity status of a water body.
- Do not oversimplify what is reported; water bodies are complex systems and indicators cannot tell the whole story.
- Is the data we currently collect the right data to tell the story of water quality in NH?
- Should the "experts" decide what the public should know or should data/indicators focus on what the public is interested in?
- Water quantity, not just quality indicators should be used.
- Indicators like growth, impervious surface cover, stormwater, etc. are also important proxies for showing threats to water quality.

- Indicators tied to economic forces would be powerful.
- Suggested indicators:
 - Salinity
 - Exotic species
 - Biomonitoring (index score of macro-invertebrates)
 - Eutrophication
- Suggested trend indicators:
 - Water clarity
 - Growth
 - Impervious surface cover
 - Herbicide applications
 - Beach closures

Reporting to the public:

- Report information to the public, not data. DES EMD can give data to those that need it.
- Use a “dashboard” and “sub-dashboard” approach on a web-based, GIS “point and click” application to display information. Color-coding or animation may help the public understand what they are seeing. Time-lapse photos/video is a possibility.
- Most of the public wants place-based, water body specific information. This needs to be balanced with the context of the larger watershed, i.e. upstream/downstream activities and effects.
- Major questions from the public:
 - Can I drink this water?
 - Can I swim here?
 - Can I eat the fish?
 - How safe/good is this water?
- Should we also be asking questions like “can the fish live here?”

Some final thoughts for the future included: 1) Changing the basis for loading calculations for wastewater treatment systems at the residential level. 2) Form stakeholder groups to create a unified and integrated permitting system, including docks. Participation from the LMAC/RMAC was encouraged. 3) Create an additional certification level for filing the complex dredge and fill permits. 4) Looking at the whole water body classification system with the proposed water quality standards.

V. Lake and River Legislation

SB 134 - Commissioner Burack introduced Darlene Forst, the 2008 DES Employee of the Year, to speak about the Comprehensive Shoreland Protection Act legislation. There are four major changes proposed and the rest is just housekeeping. The changes include: 1) redefining the reference line for lakes and ponds; 2) dwelling unit density requirement; 3) allow a shoreland permit for the removal of groundcovers within the waterfront buffer; and 4) fines be directed to the wetlands/shoreland programs to fund staff.

HB 452 & HB 58 - Steve Couture noted the Ammonoosuc and Cochecho River nominations are before the legislature to be designated into the Rivers Protection Management Program.

HB 290 - Fluvial Erosion Hazard Zoning - Steve explained that this authorizes zoning, based on sound science that will identify those areas where erosion can occur and where development should be managed to minimize risk.

HB 473 - Rene Pelletier spoke to this change which allows the Drinking Water Bureau to take administrative action on someone that is not meeting the standards of a qualified drinking water operator.

HB 102 - Steve spoke to the rivers management bill that is a RMAC effort to improve RSA 483.

SB 65-FN - Regarding the aquatic resource mitigation (ARM) fund, Rene explained when preservation or mitigation is not an option, a fee can be paid into this fund. This raises the threshold from one acre to three acres. The current mitigation fund account now has about \$1 million dollars. Steve also mentioned that the bill includes language to authorize mitigation in-lieu fee payments for stream related projects.

SB 60 - Commissioner Burack explained that DES encouraged this bill that would establish a committee to study water sustainability. There are huge needs in terms of infrastructure relating to water and managing our water resources for the long term. With the current budget, the general fund grant programs could be in jeopardy. Other funding sources need to be found for the long term. The possible federal stimulus program was then briefly discussed.

HB 674 – The commissioner explained that this bill proposes to eliminate the Water Resources Council which was established in 1936 and that the Connecticut Lakes Headwaters Committee would be given advisory authority regarding the leasing of the DES property around Lake Francis.

Chairman Kimball adjourned the meeting at 2:10 P.M.